



# Illinois Department of Transportation

2300 South Dirksen Parkway / Springfield, Illinois / 62764

**Subject:**  
**Equal Employment Opportunity**  
**Contract Provisions and**  
**District Responsibilities**

**CONSTRUCTION MEMORANDUM NO. 06-24**  
**SMALL BUSINESS ENTERPRISES**  
**MEMORANDUM NO. 06-2**

**Effective: March 1, 2006**

**Expires: Indefinite**

This Memorandum supersedes Construction Memorandum No. 03-24, Small Business Enterprises Memorandum No. 03-2, and dated April 28, 2003.

**GENERAL:** The purpose of this joint Construction/Small Business Enterprises Memorandum is to define the responsibilities of the Resident and the District Office in regard to Contractors' compliance with the equal employment opportunity contract provisions. Except as noted herein, the general administration of the Equal Employment Opportunity Program will be conducted by the Office of the Director of Finance and Administration and the Bureau of Small Business Enterprises.

The Section Manager of Labor/EEO and DBE Contract Compliance in the Bureau of Small Business Enterprises, has been designated as Equal Employment Opportunity Officer for the Illinois Department of Transportation.

The District Equal Employment Opportunity Officers and Residents are responsible for carrying out such EEO functions as described herein or as subsequently designated.

Since the Equal Employment Opportunity Program is continually changing, contracts let at different times may contain different provisions pertaining to equal employment opportunity. Refer to the contract documents for the applicable provisions.

## FEDERAL-AID CONTRACTS

The following equal employment opportunity provisions are currently being included in all federal-aid construction contracts:

1. Required Contract Provisions - All Federal-aid Construction Contracts - Form FHWA 1273.

This provision must be included in all subcontract and material supply agreements.

2. Federal-aid Proposal Notice - Notice to Prospective Federal-aid Construction Contractors.

This provision must be included in all subcontract and material supply agreements exceeding \$10,000.

3. State Required Contract Provisions -

This provision must be included in all subcontract and material supply agreements.

4. Bidder's Employee Utilization Form - Construction - Form [BC 1256](#) and accompanying instructions titled "Special Notice to Contractors."

This provision need not be included in either subcontract or material supply agreements.

5. Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity (Executive Order 11246).

This provision must be included in all subcontract agreements exceeding \$10,000 except material supply agreements.

The following provisions are currently being included in selected federal-aid construction contracts:

6. Training Special Provisions (Rev. 10-15-75).

This provision is included in subcontract agreements only when the subcontractor is to provide training for a portion of the contract required "Trainees."

7. Special Provision for Required Disadvantaged Business Participation.

This provision is not to be included in subcontract or material supply agreements.

8. Disadvantaged Business Policy. Included in all contracts with provision 7. above. Sections II and III must be included in all subcontract or material supply agreements.

STATE CONTRACTS

The following equal employment opportunity provisions are currently being included in all non-federal-aid construction contracts:

1. Specific Equal Employment Opportunity Responsibilities - Non-federal-aid Contracts - Effective March 20, 1969. (Rev. 10-15-75)

This provision must be included in all subcontracts exceeding \$10,000. However, it need not be included in any material supply agreements regardless of dollar amount.

2. Required Provisions - State Contracts - Effective April 1, 1965. (Rev. 4-1-93)

This provision must be included in all subcontract and material supply agreements.

3. Bidder's Employee Utilization Form - Construction - Form [BC 1256](#) and accompanying instructions titled "Special Notice to Contractors."

This provision need not be included in either subcontract or material supply agreements.

4. Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity (Executive Order 11246).

This provision must be included in all subcontract agreements exceeding \$10,000 except material supply agreements.

The following provision is currently being included in selected non-federal-aid construction contracts:

5. Special Provision - Required Disadvantaged Business or Woman-Owned Business Participation.

This provision is not to be included in subcontract or material supply agreements.

6. Disadvantaged Business Policy. Included in all contracts with provision 5, above. Sections II and III must be included in all subcontract or material supply agreements.

#### DISTRICT EEO RESPONSIBILITIES

1. The following items must be discussed at the preconstruction conference or supplemental EEO conference with the Contractor.

Note - The District EEO Officer must be present at the preconstruction conference or supplemental EEO conference with the Contractor to detail the Contractor's EEO responsibilities and to answer any questions the Contractor may have concerning EEO.

- a. Discuss the type and location of bulletin board and information to be posted thereon. Distribute posters furnished by the State. (See Attachments 1 and 2 for Federal-aid and non-Federal-aid poster requirements.)
- b. Discuss EEO provisions that the Contractor must physically incorporate into all subcontract agreements including material supply agreements.
- c. Indicate to the Contractor that they are responsible for compliance of their subcontractors with the EEO provisions.
- d. Remind the Contractor of the reporting requirement ([SBE 956](#)) of once-a-month for the duration of the job. Stress the importance of prompt submittal of these reports by both the prime Contractor and all subcontractors. The subcontractor must submit [SBE 956](#) reports to the prime Contractor. The prime Contractor must submit their [SBE 956](#) reports and those of all subcontractors to the State Resident, designee or EEO Officer. Be sure to supply the Contractor with copies of Form [SBE 956](#).
- e. Supply the Contractor with copies of the EEO Checklist (Form [SBE 1008](#)) and discuss, if necessary.
- f. If the contract includes the Training Special Provision, indicate to the Contractor that the training proposal must be submitted for approval prior to commencing construction on the project.

Supply the Contractor with copies of Form [SBE 1146](#), "Request for Approval of Contractor's Proposed Training Program." Discuss with the Contractor the "Training Progress Schedule." By referring to the "Progress Schedule," Form [BC 255](#), determine the scheduled arrival of the assigned trainees at the construction site. When the Contractor submits the "Request for Approval of Contractor's Proposed Training Program," Form [SBE 1146](#), they must submit a "Training Progress Schedule" for trainees, indicating the phase of construction during which the trainee will work, the craft and the approximate number of hours of training which will be provided. The District Office must submit the Contractor's letter of transmittal with Forms [SBE 1146](#) and the "Training Progress Schedule" to the Bureau of Small Business Enterprises.

The District EEO Officers have the authority to approve a Contractor's proposed training program when the proposed program is a registered apprenticeship program. Any other proposed programs require approval from the Bureau of Small Business Enterprises and concurrence by the Federal Highway Administration.

The District EEO Officers also have the responsibility and authority to approve or disapprove a Contractor's proposed "Training Progress Schedule" and distribution of the contract-required trainees among the various crafts to be utilized on the project in order to avoid either a disproportionate number of trainees in any one craft within the District or the selection by the Contractor of a craft with very few available hours of work on the project.

Supply the Contractor with copies of Form [SBE 1014](#), "Weekly Trainee Report," and explain to the Contractor that they must complete this form when "Trainees" are employed in accordance with the Training Special Provision. These reports are to be dated, numbered consecutively, signed by the Contractor's representative and submitted weekly to the Resident for approval. The Resident will submit a copy of each "Weekly Trainee Report" to the District Office.

- g. Explain to the Contractor and the project Resident the purposes and the objectives of the Supportive Services Program. Furnish the Contractor and the Resident with a list of names and addresses of available supportive services personnel.

Indicate to the Contractor that supportive services personnel should be utilized as part of their Affirmative Action Program to achieve compliance with the contract EEO provisions. Inform the Contractor that they are responsible for advising trainees of the services available through the Supportive Services Programs.

- h. If the contract contains the Special Provision, "Required Disadvantaged Business Participation," discuss with the Contractor plans to meet this requirement.
- i. Discuss the affirmative action requirements and goals of the provision "Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity (Executive Order 11246)."
- j. Ask the Contractor if they have any questions concerning any of the contract EEO requirements.

2. Both the District Office and the Resident must have the name, address and telephone number of the Contractor's EEO Officer on file.
3. Shortly after the start of construction, the District EEO Officer must interview the Contractor's job superintendent to determine if that person is cognizant of the firm's equal employment opportunity policy and program and active in its implementation.
4. The District EEO Officer must assure that the Contractor holds periodic meetings with supervisory employees to review the EEO program and its implementation.
5. The District EEO Officer must assure that the Contractor indoctrinates all new project supervisory and personnel employees in regard to the EEO program within thirty days of initial employment.
6. The Resident must check the project bulletin board to assure that Form [BC 955](#), the notice stating the EEO policy and designating the Contractor's EEO Officer, is posted.
7. The Resident must assure that the Contractor has posted a notice to indicate to employees the company's policy and procedures for encouraging present employees to refer minority and female applicants for employment. When on the project, the District EEO Officer must interview employees, particularly minorities and females, to determine if they understand this policy and procedure.
8. The Resident must assure that the Equal Employment Opportunity Poster titled "Equal Employment Opportunity is the Law" is posted on federal-aid projects or that [BC 777](#) is posted on non-federal-aid projects.
9. The Resident must observe the performance and progress of disadvantaged business enterprises as subcontractors to determine if there is a need for technical and/or management assistance to these subcontractors. If assistance is required, the Resident will notify the District EEO Officer.
10. The Resident will observe the activity of disadvantaged business enterprises for independent operation and report questionable business practices to the District EEO Officer. The District EEO Officer will work with the appropriate unit(s) of the Bureau of Small Business Enterprises to achieve compliance with contract and program requirements.
11. The Resident or the EEO Officer must assure that the Contractor submits all the required [SBE 956](#) reports, "EEO Workforce Analysis Form," and spot check for accuracy. One copy of each of these reports must be in the project file and one in the District Office file. It is not necessary to provide a copy to the Bureau of Small Business Enterprises.
12. Each District EEO Officer will be responsible for the receipt, verification, summary and submittal of the July reports using Form [SBE 956](#), required from all Contractors and subcontractors in their District. Summary Reports must be submitted annually to the Bureau of Small Business Enterprises on Form [FHWA 1392](#) no later than September 15. Each District should submit two (2) [FHWA 1392](#) forms; one for federal-aid only and one for State only. Summaries are to include the total number of projects and the dollar value of these projects (based on awarded amount of prime contract) for which work is reported. SBE

will tabulate the information and submit the required reports to FHWA. Each District will receive a combined Summary Report from SBE.

13. The District EEO Officer, or delegate, will make contact inspections using Form [SBE 750](#), "Contact Inspection Report." These reports will be made at various times on a random basis by other than project personnel. The frequency and number of such reports will be as determined necessary to assure compliance. Three copies of these reports are needed for each inspection - one to the Contractor, one in the District Office file, and one submitted to the Bureau of Small Business Enterprises.
14. The District EEO Officer, or delegate, will review the "Weekly Trainee Reports," Form [SBE 1014](#) to assure that training is pursuant to the contract provisions.
15. The District EEO Officer, or delegate, will conduct periodic jobsite inspections to evaluate the effectiveness of the training being provided by the Contractor. As a part of these inspections, trainee interviews shall be conducted. A complete copy of reports of inspections are to be submitted to the Bureau of Small Business Enterprises.

Through analysis of the reports mentioned above, the District EEO Officer and the Bureau of Small Business Enterprises will be in a better position to pinpoint areas or Contractors which need improved EEO efforts to assure compliance with the contract provisions.

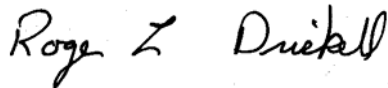
16. The District EEO Officer must maintain the District Office EEO files.
17. Follow-up contact inspection reviews shall be conducted by the District EEO Officer as requested by the Bureau of Small Business Enterprises. These reviews shall, in most cases, be conducted within three months of the initial review.

The District EEO Officer must immediately begin working with the Contractor as soon as deficiencies are noted in their EEO program. Whether these deficiencies are noted by the Bureau of Small Business Enterprises, the Federal Highway Administration, or District personnel, it shall be the responsibility of the District EEO Officer to make

18. On federal-aid contracts which include the Training Special Provisions, the Resident or EEO officer, is responsible for assuring that the Contractor brings trainees onto the construction site as per the approved "Training Progress Schedule."
19. On federal-aid contracts which include the Training Special Provisions, the Resident, or designated representative, must approve and sign each Form [SBE 1014](#), "Weekly Trainee Report," submitted by the Contractor. These forms must be placed in the project files as documentation for the "Trainee" pay item and one copy is to be submitted to the District Office each week. The Resident must have Forms [SBE 1014](#) on file for all "Trainee" hours to date before entering these hours on the Contractor's pay estimate.
20. On those contracts containing the Special Provision, "Required Disadvantaged Business Participation," the District EEO Officer must monitor the Contractor's expressed intentions and progress of utilizing disadvantaged business

enterprises. The District EEO Officer shall also be responsible for assuring that the Contractor submits satisfactory documentation of compliance. Copies of such documentation must be sent to the Bureau of Small Business Enterprises by the District.

Attached is an EEO requirement list with suggested guidelines for District personnel responsibilities. Each District, however, may delegate these responsibilities as appropriate.



Roger L. Driskell, P.E.  
Engineer of Construction



Carol Lyle, Bureau Chief  
Small Business Enterprises

Attachment

## EEO REQUIREMENTS LIST

<u>FUNCTIONS</u>	<u>CONSTRUCTION</u>	<u>EEO/LABOR</u>
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### A WORKFORCE UTILIZATION

1. Form [BC 1256](#), Bidders Employee Utilization Form

a. Receive	No	Yes
b. Review/Audit/Edit	No	Yes
c. Approve/Deny	No	Yes
d. Distribute	No	Yes
e. Maintain/File	Yes	Yes
f. Monitor	Yes	Yes

2. Form [SBE 956](#), Equal Employment Opportunity Workforce Analysis (monthly)

a. Prepare	No	Yes
b. Distribute	No	Yes
c. Maintain/File	Yes	Yes
d. Monitor	No	Yes

### B DISADVANTAGED BUSINESS ENTERPRISE

1. Establish Contract Goal

No                      Yes

2. Form [SBE 2025](#), DBE Participation Statement (each contract)

a. Receive	No	Yes
b. Input Data	No	Yes
c. Review/Audit/Edit	No	Yes
d. Distribute	No	Yes
e. Maintain/File	Yes	Yes
f. Monitor	Yes	Yes

3. Form [SBE 2026](#), DBE Utilization Plan (each contract)

a. Receive	No	Yes
b. Input Data	No	Yes
c. Review/Audit/Edit	No	Yes
d. Distribute	No	Yes
e. Maintain/File	No	Yes
f. Monitor	No	Yes

4. Form [SBE 2028](#), DBE/WBE Final Documentation (each contract)

a. Receive	No	Yes
b. Review/Audit/Edit	No	Yes
c. Distribute	No	Yes
d. Maintain/File	Yes	Yes



5. Form SBE 2115, DBE Payment Agreement (each contract)

a. Receive	No	Yes
b. Review/Audit/Edit	No	Yes
c. Distribute	No	Yes
d. Maintain/File	Yes	Yes

6. Support/Assist	Yes	Yes
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C PROJECT MONITORING

1. Bulletin Board/Posters (each contract)

a. Furnish	No	Yes
b. Review	Yes	Yes

2. SBE 750, Workforce Contact Inspection Report (random)

a. Schedule	No	Yes
b. Conduct	No	Yes
c. Review/Audit	No	Yes
d. Distribute	No	Yes
e. Maintain/File	No	Yes
f. Monitor	No	Yes

D SUPPORTIVE SERVICES

1. DBE/WBE

a. Review	No	Yes
b. Identify	No	Yes
c. Distribute	No	Yes
d. Maintain/File	No	Yes
e. Monitor	No	Yes

2. Personnel

a. Review	No	Yes
b. Identify	No	Yes
c. Distribute	No	Yes
d. Maintain/File	No	Yes
e. Monitor	No	Yes

E TRAINING SPECIAL PROVISIONS

1. SBE 1146, Request for Approval of Contractor's Proposed Training Program (each contract)

a. Receive	Yes	Yes
b. Review/Audit/Edit	No	Yes
c. Approve/Deny	No	Yes
d. Input Data	No	Yes
e. Distribute	No	Yes

- |  |     |     |
|--|-----|-----|
| f. Maintain/File   | Yes | Yes |
| g. Monitor   | Yes | Yes |
| 2. <a href="#">BC 255</a> , Progress Schedule (each contract)                              |     |     |
| a. Receive   | Yes | Yes |
| b. Review/Audit/Edit   | Yes | Yes |
| c. Approve/Deny  | Yes | No  |
| d. Input Data  | Yes | No  |
| e. Distribute  | Yes | Yes |
| 3. <a href="#">SBE 1014</a> , Weekly Trainee Report  |     |     |
| a. Receive   | No  | Yes |
| b. Distribute  | No  | Yes |
| c. Maintain/File   | Yes | Yes |
| d. Monitor   | Yes | Yes |
| 4. <a href="#">FHWA 1392</a> , Federal-Aid Highway Construction Summary of Employment Data |     |     |
| a. Prepare   | No  | Yes |
| b. Distribute  | No  | Yes |
| c. Maintain/File   | No  | Yes |

F PRECONSTRUCTION CONFERENCE

- |                      |     |     |
|----------------------|-----|-----|
| 1. Agenda            |     |     |
| a. Schedule          | Yes | Yes |
| b. Conduct           | Yes | No  |
| c. Review/Audit/Edit | Yes | Yes |
| d. Approve/Deny      | Yes | No  |
| e. Distribute        | Yes | No  |
| f. Maintain/File     | Yes | No  |

G CONFERENCES/WORKSHOPS	Yes	Yes
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